

REMARKS

This Amendment responds to the Office Action dated April 16, 2003. A diligent effort has been made to respond to all of the objections and rejections contained in the Office Action and reconsideration is respectfully requested.

Claims 70-85 are pending. Claims 45-55, 57, 60 and 62-69 have now been cancelled.

A. Rejections over AirMobile and Eggleston

In the April 16, 2003 Office Action, prior claims 45-55, 57, 60 and 62-69 were rejected under a variety of obviousness combinations, primarily over "Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995" (hereinafter "AirMobile"), in view of US 5,764,899 to Eggleston. In addition to these two primary references, the Office Action also relied upon at least 7 other references in rejecting these claims. Although applicants traverse all of these rejections, a substitute set of claims 70-85 are now presented to more clearly distinguish over the prior art of record, and in particular the AirMobile and Eggleston references. For all of the reasons stated below it is believed that these new claims are patentably distinct from AirMobile and Eggleston and a notice of allowance is respectfully requested.

1. Claim 70 is Patentably Distinct from AirMobile and Eggleston

a) Claim 70

Claim 70 recites a method of replicating electronic messages between a messaging server and a plurality of wireless mobile communication devices using a software program. The method includes the following steps: (1) receiving the electronic messages at the messaging

server and storing the electronic messages in a message store having a plurality of mailboxes, wherein each of the plurality of wireless mobile communication devices is associated with at least one of the plurality of mailboxes; and (2) without receiving a request to download the received electronic messages at the messaging server, continuously pushing the received electronic messages from the mailboxes associated with each of the wireless mobile communication devices to the wireless mobile communication devices.

The continuous pushing step of claim 70 is further defined to include the following sub-steps: (A) for each of the wireless mobile communication devices, the software program registering with a software interface associated with the messaging server to receive a notification signal when a new received electronic message is received and stored in an associated mailbox; (B) upon receipt of the notification signal for each of the new received electronic messages, the software program replicating the new message and packaging the replicated new message into an electronic envelope, the electronic envelope including addressing information associated with the wireless mobile communication device; (C) transmitting via a TCP/IP connection the electronic envelope from the software program to a wireless gateway computer system via a wired network, the wireless gateway computer system coupling the wired network to a wireless network; (D) receiving the electronic envelope at the wireless gateway and using the addressing information contained within the electronic envelope in order to send the replicated new message to the wireless mobile communication device via the wireless network; and (E) receiving the electronic envelope at the wireless mobile communication device, removing the electronic envelope from the replicated new message, and storing the replicated new message at the wireless mobile communication device.

The method described in Claim 70 overcomes several problems in the prior art, including: (i) how to ensure that the data stored at the messaging server is continuously and automatically replicated at the wireless mobile communication device; (ii) how to securely and effectively transport the replicated data between the messaging server and the wireless mobile communication device through a wireless gateway system; and (iii) how to minimize the delay between receiving a message at the messaging server and receiving the replicated copy of the message at the wireless mobile communication device.

These problems were overcome by the invention set forth in Claim 70 in two primary ways. First, by providing a software interface between the messaging server and the software program that replicates the messages, the first and third problems are solved. This software interface provides a notification signal to the software program that replicates the messages indicating that a new message has been received. This technique minimizes the delay between receiving the message at the messaging server and transmitting the replicated copy of the message to the wireless mobile device by continuously and automatically notifying the replication program when a new message has been received.

In the prior art, as described below, either the user of the mobile device had to manually request any new messages, or an intermediate system was configured to periodically poll the messaging server to determine if any new messages were present. In both cases, however, there is no continuous and automatic replication because there is an inherent delay associated with the first technique (based on how often the user manually logs into the system to request new messages) and the second technique (based on the frequency at which the poll timer is set to check the messaging server.) In fact, the poll timer technique is simply a semi-automated way of manually logging into the system on behalf of the user of the mobile device. Instead of the user

manually checking for messages, the intermediate system is configured to check for messages at a set interval on behalf of the user. In both cases, however, there is no continuous replication due to the inherent delays associated with these techniques.

The second problem discussed above is solved in Claim 70 by packaging the replicated messages into electronic envelopes containing addressing information associated with the wireless communication device. By packaging the messages in this manner, the messages can be compressed and/or encrypted but yet effectively routed through a public and/or private network using the addressing information provided on the electronic envelope. In particular, as set forth in Claim 70, the electronic envelopes so formatted can be routed through a wireless gateway system that couples a wired network to a wireless network, without having to either decompress or de-encrypt the data in the electronic envelope. In the prior art, as described below, there typically was no gateway system, or if there was, the data was not packaged into an electronic envelope containing addressing information associated with the wireless mobile device.

b) AirMobile

The AirMobile system is typical of the "polling" technique described above. Although some of the marketing literature for the AirMobile system describes it as a "push" system, AirMobile did not provide continuous replication as set forth in Claim 70. As explicitly detailed in the SERVER manual for the AirMobile system, several polling parameters were required at the AirMobile server, including a Scheduler Cycle Time parameter and a Inter-User Time-out parameter. According to the SERVER manual, the Scheduler Cycle Time parameter defines "...the number of seconds to wait between checking active user's inboxes. For example, if you enter "30" in this field, the inbox of each active user will be checked every 30 seconds for the

presence of messages." (AirMobile Communication Server Guide at 23) The Inter-User Time-out parameter was used by the AirMobile server to "defined the number of seconds to wait between checking the next user's inbox. Use this parameter to space out inquiries to a mail server." (AirMobile Communication Server Guide at 23). The fact that the AirMobile system even provides for these delay parameters clearly distinguishes it from Claim 70, in which there is no polling of the mail server at all, but instead the software interface provides an immediate and automatic notification to the software program performing the replication in order to provide continuous replication. In AirMobile there is no "software interface" between the messaging server (cc:Mail Server) and the software program (AirMobile server), nor is there any "notification signal" generated when a new message is received, nor is there disclosed the step of "registering" with the software interface. All of these steps in Claim 70 are simply missing from AirMobile.

AirMobile is also typical of the prior art systems because there is no wireless gateway computer system. The wireless gateway computer system set forth in Claim 70 bridges the wired and wireless networks. As shown in Figure 1-1 of the AirMobile Communication Server Guide, the AirMobile server is directly connected to a wireless modem. The wireless modem communicates directly to the wireless network and then on to the wireless device. Because of this direct wireless connection, the AirMobile server does not need to package the replicated messages into electronic envelopes including addressing information of the wireless mobile device, as required by Claim 70. The problem of securely and effectively routing the replicated messages through a wireless gateway does not exist at all in AirMobile, and thus neither does the solution provided by Claim 70.

In summary, the AirMobile system does not disclose the continuously pushing step of Claim 70, and in particular, it does not disclose or suggest any of the sub-steps (A) through (E) set forth in the claim. AirMobile does not provide a "software interface," it does not provide for the software program to "register" with the software interface, it does not provide for a "notification signal" when a new message is received and stored in a mailbox associated with the messaging server, it does not provide for packaging the replicated new messages into an electronic envelope including addressing information associated with the wireless mobile device, it does not provide for a TCP/IP connection between the software program and the wireless gateway computer system, in fact it does not provide for a wireless gateway computer system at all and therefore does not provide for steps (D) or (E) of Claim 70 either.

For all of these reasons it is submitted that Claim 70 is patentably distinct from AirMobile.

c) Eggleston

Eggleston is another example of a "polling" system: "Upon establishing the virtual session, a query is preferably generated by the query manager requesting unprocessed data for the user, and the VSM forwards the query to the host (Step 320). In the case of email, e.g., this might include generating a request message for all unread mail in the users post office box." (Eggleston at col. 6, ll. 57-62); "Thus, rather than have all new data from the host pushed down to the communications server, most data exchanges are preferably initiated, at some predetermined interval or intervals, by the communications server (e.g., by the query manager)." (Eggleston at col. 7, ll. 28-32)

Eggleston is similar to AirMobile in that there is no software interface between the replicating software program and the messaging server, there is no notification signal, and thus

there is no continuous replication as described in Claim 70. In addition, there is no disclosure in Eggleston of the electronic envelope steps and the TCP/IP connection steps (C), (D), and (E) of Claim 70, and thus for these additional reasons Claim 70 is distinguishable from Eggleston.

2. Claims 71-85 are Patentably Distinct from AirMobile and Eggleston

Claims 71-85 depend from claim 70 and thus are patentably distinct from AirMobile and Eggleston for at least the same reasons as claim 70.

B. Conclusion

For all of the reasons noted above it is believed that the pending claims 70-85 are patentably distinct from the prior art of record, and in particular the AirMobile and Eggleston references, and thus a notice of allowability is respectfully requested. Alternatively, the applicants invite the Examiner to contact their undersigned representative in order to further reduce any remaining issues in this case and bring about a conclusion to this matter.

Respectfully submitted,

JONES DAY



David B. Cochran
(Reg. No. 39,142)

Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506